

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TRACY L. LAWRENCE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cv-01250-SEB-DML
)	
RON RICHARDSON Madison County)	
Sheriff, SHELLY Madison County Jail Nurse,)	
TYLER JUGG Madison County Jail Officer,)	
R. PERKINS Madison County Jail Officer,)	
JOHN DOES, JANE DOES,)	
)	
Defendants.)	

Entry Discussing Complaint and Directing Further Proceedings

I.

The plaintiff's motion to proceed *in forma pauperis* [dkt. no. 3] is **granted**. The plaintiff is assessed an initial partial filing fee of Two Dollars and Zero Cents (\$2.00). He shall have **through September 10, 2013**, in which to pay this sum to the clerk of the district court.

II.

The complaint is now subject to the screening requirement of 28 U.S.C. § 1915A(b). This statute directs that the court dismiss a complaint or any claim within a complaint which "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." *Id.* **Claims against defendants identified only as "John Does" and "Jane Does" are dismissed for failure to state a claim upon which relief may be granted.** The inclusion of unknown or unidentified individuals as defendants is problematic because "it is pointless to include [an] anonymous

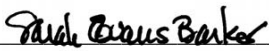
defendant [] in federal court; this type of placeholder does not open the door to relation back under Fed. R. Civ. P. 15, nor can it otherwise help the plaintiff.” *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted). *See also, e.g., Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7th Cir. 1997) (“The use of fictitious names is disfavored, and the judge has an independent duty to determine whether exceptional circumstances justify such a departure from the normal method of proceeding in federal courts.”); *K.F.P. v. Dane County*, 110 F.3d 516, 519 (7th Cir. 1997) (“The use of fictitious names for parties, a practice generally frowned upon, is left within the discretion of the district court.”)(internal citations omitted).

III.

The motion for summonses to be served by the U.S. Marshal [dkt. no. 4] is **denied as unnecessary**. To avoid unnecessary expenses, it is this Court’s longstanding process to request that defendants waive service of a summons, see Fed. R. Civ. P. 4(d). Accordingly, the clerk is designated, pursuant to *Fed. R. Civ. P.* 4(c)(3), to issue and serve process on the defendants in the manner specified by *Fed. R. Civ. P.* 4(d)(1). Process shall consist of the complaint, applicable forms and this Entry.

IT IS SO ORDERED.

Date: 08/19/2013


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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